

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/809,004

Applicants: Robert S MARSHALL, et al.

Filing Date: March 16, 2001

For: ON-LINE DATA DISTRIBUTION AND

BROADCAST SYSTEM

Group Art Unit: 2623

Examiner: SALTARELLI, DOMINIC D.

SIR:

Attached hereto for filing are the following papers:

CASE SPECIFIC POWER OF ATTORNEY WHERE MULTIPLE ASSIGNEES ARE PRESENT OR IF THERE IS NO ASSIGNEE

PETITION UNDER 37 CFR 1.137(b) REQUESTING THE WITHDRAWAL OF ABANDONMENT DUE TO UNINTENTIONAL DELAY

AMENDMENT

Our credit card payment form in the amount of \$1,500.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,

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Bradley D. Lytle

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

| Application Number | 09/809,004 March 16, 2001 Robert S MARSHALL, et al. | |
|-------------------------|---|--|
| Filing Date | | |
| First Named Inventor | | |
| Title: ON-LINE DATA DIS | STRIBUTION AND BROADCAST SYSTEM | |
| Attorney Docket Number: | 2702521159 | |

| I hereby appoint: | | | | | |
|---|----------------------|-----------|--------------|--|--|
| Practitioners associated with the Customer Number 22850 | | | | | |
| as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith. | | | | | |
| Please recognize or change the correspondence address for the above-identified application to: | | | | | |
| The address associated with the above-mentioned Customer Number. | | | | | |
| I am the: | | | | | |
| Inventor. | | | | | |
| SIGNATURE OF INVENTOR | | | | | |
| Signature | atrill | | | | |
| Name | Robert S. MARSHALL | Telephone | 301-250-4000 | | |
| Date | 1/14/06 | | | | |
| Signature | Hoof | | | | |
| Name | Christopher D. SLOOP | Telephone | 301-250-4000 | | |
| Date | 1/19/04 | | | | |
| * NOTE: Signatures of all the inventors are required. Total of forms are submitted. | | | | | |

THIS FORM IS USED FOR PATENT APPLICATIONS HAVING MULTIPLE ASSIGNEES OR IF THERE IS NO ASSIGNEE



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ROBERT S MARSHALL, ET AL.

EXAMINER: SALTARELLI, D.D.

SERIAL NO: 09/809,004

FILED: MARCH 16, 2001

: GROUP ART UNIT: 2623

FOR: ON-LINE DATA DISTRIBUTION

AND BROADCAST SYSTEM

PETITION UNDER 37 CFR 1.137(b) REQUESTING THE WITHDRAWAL OF HOLDING OF ABANDONMENT DUE TO UNINTENTIONAL DELAY

COMMISSIONER FOR PATENTS ALEXANDRIA, VA 22313-1450

SIR:

The facts concerning this matter are as follows:

Application No. 09/809,004 Reply to Notice of Abandonment Dated August 8, 2006

Applicants' current counsel filed an Amendment on October 7, 2005, in response to an Office Action dated April 7, 2005.

A Notice of Non-Compliant Amendment, dated November 28, 2005, was mailed by the USPTO to Applicants' former counsel, Roland H. Shubert, of Reston, VA. Moreover, the Notice of November 28, 2005 was not forwarded to Applicants' current counsel, or to the Applicants.

On July 27, 2006, after the period for replying to the Notice had expired, Examiner Salterelli contacted Applicants' current counsel to indicate that the application was abandoned. Accordingly, Applicants and Applicants' current representative first learned of the Notice, mailed November 28, 2005, on July 27, 2006, after the application was abandoned.

Accordingly, as Applicants' counsel did not receive the Notice of November 28, 2005 prior to abandonment of the application, it is respectfully submitted that the abandonment was unintentional. Further Applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of the present grantable petition was unintentional.

The petition fee under 37 C.F.R. 1.17 (m) is enclosed herewith.

A reply to the outstanding Office Action is also enclosed. Additionally, further to 37 C.F.R. §1.137(b)(4), Applicants submit that no terminal disclaimer is needed as the application was filed after June 8, 1995.

Application No. 09/809,004 Reply to Notice of Abandonment Dated August 8, 2006

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,

MAJER & NEUSTADT, P.C.

Bradley(D) Lytle

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Zachary S. Stern Registration No. 54,719

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